

security; providing that an executory contract between a supplier and a contractor or subcontractor that conditions payment to a supplier on certain other payment may not contain a contract provision abrogating or waiving the right of a supplier to sue on certain payment security; providing that a provision of a contract made in violation of this Act is void as against the public policy of the State; and generally relating to actions on payment security.

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 17–101(d) and (e)

Annotated Code of Maryland

(1995 Replacement Volume and 1999 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 17–108

Annotated Code of Maryland

(1995 Replacement Volume and 1999 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

17–101.

(d) “Public body” means:

- (1) the State;
- (2) a county, municipal corporation, or other political subdivision;
- (3) a public instrumentality; or
- (4) any governmental unit authorized to award a contract.

(e) (1) “Supplier” means a person who supplies labor or materials.

(2) “Supplier” includes a lessor of equipment to the extent of the fair rental value of the equipment.

17–108.

(a) Subject to subsection (b) of this section, a supplier may sue on payment security if the supplier:

(1) supplied labor or materials in the prosecution of work provided for in a contract subject to this subtitle; and

(2) has not been paid in full for the labor or materials within 90 days after the day that the person last supplied labor or materials for which the claim is made.